



OFFICE OF ENVIRONMENTAL SERVICES  
Water Discharge Permit

FINAL

GENERAL PERMIT NUMBER LAG530000  
Agency Interest Number 97167

Class I Sanitary Discharge General Permit

In accordance with the Clean Water Act of 1987 and the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.: "The Act") and the Rules effective or promulgated under the authority of the Act, this Louisiana Pollutant Discharge Elimination System General Permit is issued. This permit authorizes persons who meet the requirements of Part I.A and have been approved by the Office to discharge to waters of the State treated sanitary wastewater and/or other accepted wastewater types totaling less than 5,000 gallons per day maximum expected flow in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III of this permit.

This permit becomes effective December 1, 2002.

This permit expires five (5) years from the effective date.

Issued this 20<sup>th</sup> day of November, 2002.

  
Linda Korn Levy  
Assistant Secretary

## **SECTION A. APPLICABILITY**

Facilities covered by this general permit are those discharging treated sanitary wastewater and/or other accepted wastewater types in quantities less than 5,000 GPD maximum expected flow as calculated using the sewage loading guidelines in the state sanitary code or from an alternative approved data source and which are required to meet a secondary level of treatment. "Accepted wastewater types" include those wastewaters with effluent characteristics which are not significantly different from sanitary wastewaters and which may be successfully treated by biological means to meet effluent limitations. Facilities covered include, but are not limited to, residential subdivisions, trailer parks, on-site residential laundry facilities, coin operated laundromats, restaurants, schools, shopping centers, and office buildings. **Monitoring and reporting of effluent limitations will be done semiannually for all facilities with flows 2,500 GPD or greater, for all laundromats, and for all facilities which include food service waste. Monitoring and reporting will be done annually for all facilities with flows less than 2,500 GPD.**

All persons operating a source or conducting an activity that results in a treated sanitary wastewater discharge as described above are eligible for coverage under this general permit and will become permittees authorized to discharge upon written notification by this Office of coverage under this general permit. Notice of intent (NOI) to be covered under this general permit should be made using form WPS-G which may be obtained by calling (225) 765-0036. Existing dischargers eligible for this permit must submit a NOI within thirty (30) days of the effective date of this permit. Proposed facilities desiring coverage under this permit must submit a NOI at least thirty (30) days prior to commencement of discharge. Any permittee covered by an individual permit may request that the individual permit be canceled if the permitted source or activity is also eligible for coverage by this general permit. Upon written acceptance of that request by this Office, the permittee will be covered by this general permit.

This general permit shall not apply to:

1. discharges other than those described above;
2. facilities which do not conform with the regulations set forth in the Louisiana Sanitary Code;
3. facilities which receive unacceptable wastewater types from industrial and/or other sources; and
4. facilities which have been assigned limitations in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation (from a previous study or from the current updates from the Total Maximum Daily Loads) that are different from those in this permit.

5. sanitary discharges at operations classed as new sources or new dischargers, if the discharge will cause or contribute to the violation of water quality standards (LAC 33:IX.2317.A.9).

## **SECTION B. EFFLUENT LIMITATIONS**

During the period beginning with the written notification of coverage under this permit and lasting through the expiration date of this general permit, all permittees covered under this general permit are authorized to discharge treated sanitary wastewater and/or other accepted wastewater totaling less than 5,000 gallons per day maximum expected flow from the specified facility in accordance with the following limitations:

### **SCHEDULE A<sup>1</sup> - FINAL EFFLUENT LIMITATIONS**

EFFLUENT CHARACTERISTICS  EACH OUTFALL	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE <sup>2</sup>	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW - gpd	N/A	REPORT	1/12 months	estimate
BOD <sub>5</sub> mg/L	N/A	45	1/12 months	Grab
TSS <sup>2</sup> mg/L	N/A	45	1/12 months	Grab
FECAL COLIFORM <sup>3&amp;4</sup> COLONIES/100 ml	N/A	400	1/12 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/12 months	Grab

<sup>1</sup> Upon written notification of coverage under this permit, the permittee shall comply with the effluent limitations schedule stated in the cover letter of this permit. Schedule A will apply to facilities which discharge less than 2,500 GPD and have no food service waste or laundromat wastewater.

<sup>2</sup> If the treatment unit is an oxidation pond, the weekly average limitation shall be 135 mg/L.

<sup>3</sup> If chlorination is chosen as a disinfection method, see Part II, Section H.

<sup>4</sup> If this discharge is located in an oyster propagation area, fecal coliform limitations will be 14 colonies/100 ml monthly average and 43 colonies/100 ml weekly average. Instructions will be given in the cover letter of this permit if these more stringent fecal coliform limitations are required.

<sup>5</sup> The measurement frequency precludes the compilation of a monthly average.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

**SCHEDULE B<sup>1</sup> - FINAL EFFLUENT LIMITATIONS**

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW - gpd	N/A	REPORT	1/6 months	Estimate
BOD <sub>5</sub> mg/L	N/A	45	1/6 months	Grab
TSS <sup>2</sup> mg/L	N/A	45	1/6 months	Grab
OIL & GREASE <sup>3</sup> mg/L	N/A	15	1/6 months	Grab
FECAL COLIFORM <sup>4&amp;5</sup> COLONIES/100 ml	N/A	400	1/6 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/6 months	Grab

<sup>1</sup> Upon written notification of coverage under this permit, the permittee shall comply with the effluent limitations schedule stated in the cover letter of this permit. Schedule B will be applicable to all facilities with food service waste or laundromat wastewater, or facilities discharging 2,500 GPD or greater, and less than 5,000 GPD.

<sup>2</sup> If the treatment unit is an oxidation pond, the weekly average limitation shall be 135 mg/L.

<sup>3</sup> Required only for discharges which include food service waste.

<sup>4</sup> If chlorination is chosen as a disinfection method, see Part II, Section H.

<sup>5</sup> If this discharge is located in an oyster propagation area, fecal coliform limitations will be 14 colonies/100 ml monthly average and 43 colonies/100 ml weekly average. Instructions will be given in the cover letter of this permit if these more stringent fecal coliform limitations are required.

<sup>6</sup> The measurement frequency precludes the compilation of a monthly average.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

**SECTION C. MONITORING AND REPORTING REQUIREMENTS**

1. All sampling and testing shall be conducted in accordance with EPA-approved methods, such as those found in Standard Methods For the Examination of Water and Wastewater.
2. Samples shall be taken at the point of discharge from the treatment unit and prior to mixing with the receiving water.
3. Provisions must be made during the installation of the treatment unit for obtaining a proper sample.
4. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge.
5. The permittee shall at all times properly operate and maintain the facilities used to achieve compliance with the conditions of this permit.
6. 24-hour Oral Reporting: Daily Maximum Limitation Violations

Under the provisions of Part III, Section D.6.b.3 of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutants: None

7. All monitoring records must be retained for a period of at least three (3) years from the date of the sample measurements. The permittee shall make available to this Office, upon request, copies of all monitoring data required by this permit.

Records of monitoring information shall include the following:

- a. date, exact place, and time of sampling or measuring;
- b. individual(s) who performed the sampling or measurements;
- c. date(s) and time(s) analysis were begun;
- d. individual(s) who performed the analyses;
- e. analytical techniques or methods used;
- f. results of such analyses; and,
- g. results of all Quality Control procedures.

8. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). If there is a no discharge event at the monitored outfall(s) during the sampling period, write "No Discharge" in the upper right corner of the Discharge Monitoring Report.

Monitoring results obtained for each monitoring period shall be summarized semiannually on a Discharge Monitoring Report (DMR) form for discharges of 2,500 GPD and greater, and annually for discharges of less than 2,500 GPD. If more than one sample is obtained during the prescribed Monitoring Period, the results are averaged and reported on the DMR. DMR General Instructions Number 5 defines "Average" as the arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during the "Monitoring Period". Submission of DMRs shall be in accordance with the following schedule:

Semiannual Submission

<u>Monitoring Period</u>	<u>DMR Due</u>
January - June	July 28th
July - December	January 28th

Annual Submission

<u>Monitoring Period</u>	<u>DMR Due</u>
January-December	January 28th

Copies of DMRs signed and certified as required by LAC 33:IX.2333.B, and all other reports required by this office shall be submitted to the Office of Environmental Compliance and the DEQ Regional Office specified on the cover letter accompanying this permit at the following addresses.

Enforcement Division  
Office of Environmental Compliance  
Department of Environmental Quality  
Post Office Box 82215  
Baton Rouge, Louisiana 70884-2215

Mailing Addresses for Regional Offices

Acadiana Regional Office  
Surveillance Division  
Office of Environmental Compliance  
111 New Center Drive  
Lafayette, Louisiana 70508  
(337) 262-5584

Capital Regional Office  
Surveillance Division  
Office of Environmental Compliance  
5222 Summa Court  
Baton Rouge, Louisiana 70809  
(225) 765-2682

Northeast Regional Office  
Surveillance Division  
Office of Environmental Compliance  
1823 Highway 546  
West Monroe, Louisiana 71292  
(318) 362-5439

Northwest Regional Office  
Surveillance Division  
Office of Environmental Compliance  
1525 Fairfield, Room 11  
Shreveport, Louisiana 71101  
(318) 676-7476

Southeast Regional Office  
Surveillance Division  
Office of Environmental Compliance  
201 Evans Rd., Bldg. 4, Suite 420  
New Orleans, Louisiana 70123-5230  
(504) 736-7701

Southwest Regional Office  
Surveillance Division  
Office of Environmental Compliance  
3519 Patrick Street, Suite 265  
Lake Charles, Louisiana 70605  
(337) 475-8644

## PART II

### OTHER REQUIREMENTS

The Permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including all of the standard conditions found in LAC 33:IX.2355. This Office has established the following definitions and requirements in accordance with those regulations. The definition of other terms may be found in the Louisiana Water Quality Regulations (LAC 33:IX.2313).

#### SECTION A. DEFINITIONS

1. Act: means Act 449 of the 1979 Louisiana Legislature which established Section 2001, et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.
2. Biochemical oxygen demand (BOD<sub>5</sub>): means the amount of oxygen required by bacteria during the decay of organic and nitrogenous material in sanitary sewage.
3. Daily Discharge: means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
4. Daily Maximum: discharge limitation means the highest allowable "daily discharge" during the calendar month.
5. Monthly Average: other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. The monthly average for fecal coliform bacteria is the geometric mean of the "daily discharges" over a calendar month.
6. Weekly Average: other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the "daily discharges" over a calendar week.
7. Facility: means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the State.



8. *Fecal coliform*: means a gram negative, non-spore forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.
9. *Maximum Expected Flow*: means the rate of wastewater flow expected upon the completion of the planned facility or activity.
10. *mg/L*: means milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
11. *Office*: means the Office of Environmental Services within the Department of Environmental Quality.
12. *Sanitary wastewater*: means treated or untreated wastewaters which contain human metabolic and domestic wastes.
13. *Standard Methods*: means Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, DC.
14. *Total suspended solids (TSS)*: means the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/L.
15. *Waters of the State*: for purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2 and tributaries of all such waters. "Waters of the State" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et seq.

## **SECTION B. FACILITY CHANGES**

The authorization to discharge in accordance with this general permit is terminated upon an increase in the discharge rate to 5,000 gallons per day or greater maximum expected flow. Prior to any such change in the discharge rate from a treatment unit covered by this general permit, the permittee must submit notification (Form WPS-G) to this Office and receive from this Office authorization to discharge at that increased rate.

## **SECTION C. COVERAGE UNDER SUBSEQUENT PERMITS**

As an exception to Part III, Section A.5, should this Office decide to reissue this general permit, permittees currently covered under it will automatically receive a copy of the reissued permit. Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge until such time that a new general permit is issued. Instructions for obtaining coverage under the reissued permit will be included in that permit.

#### **SECTION D. TERMINATION OF AUTHORIZATION TO DISCHARGE**

This Office reserves the right to revoke the authorization to discharge in accordance with this general permit as it applies to any person and/or require such person to apply for and obtain an individual permit if:

1. the covered source or activity is a significant contributor of pollution or creates other environmental problems;
2. the permittee is not in compliance with the terms and conditions of this general permit;
3. conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or
4. the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

#### **SECTION E. COMPLIANCE SCHEDULE**

The permittee shall be in compliance with the effluent limitations and monitoring requirements specified herein on the date of authorization of coverage under this general permit. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

#### **SECTION F. PROPERTY RIGHTS**

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining approval from the landowner for appropriate easements and rights of way.

#### **SECTION G. REMOVED SUBSTANCES**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed of in compliance with applicable state laws, regulations and permit requirements and in a manner such as to prevent any pollutant from such materials from entering the waters of the State. The permittee may need to contact the Municipal and Commercial Waste Unit of the Office of Environmental Services for information on regulations and permits to dispose of this material.

## **SECTION H. SANITARY DISCHARGE**

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain water quality integrity and the designated uses of the receiving water bodies based upon water quality studies. These studies may indicate the need for more advanced wastewater treatment. Studies of similar discharges and receiving water bodies have resulted in monthly average effluent limitations of 5 mg/L CBOD<sub>5</sub> and 2 mg/L NH<sub>3</sub>-N. Therefore, prior to upgrading or expanding any permitted sewage treatment method at the facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limitation may be required if chlorine is used as a method of disinfection. In many cases, this becomes a **NO MEASURABLE** Total Residual Chlorine Limitation. If such a limitation were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge. Please be aware, concentrations of Total Residual Chlorine above 0.01 mg/L can cause or contribute to significant toxicity in receiving streams and biomonitoring testing. It is the permittee's responsibility to assure that no Total Residual Chlorine remains in the effluent after dechlorination in order to prevent toxicity in the receiving stream.

## **SECTION I. OTHER DISCHARGES**

This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the notice of intent or as otherwise authorized in the permit.

Any runoff leaving the site, other than the permitted outfalls, exceeding 50 mg/l Total Organic Carbon (TOC), 15 mg/l Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit.

## **SECTION J. STATE WATER QUALITY STANDARDS**

LAC 33:IX.1113 describes numerical and general criteria that apply to all discharges into waters of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biological and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

## **SECTION K. PERMIT REOPENER CLAUSE**

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2383, 2387, and 2769. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. This Office reserves the right to reopen and modify this permit to conform to those standards necessary to maintain the water quality in order to support uses of the receiving water bodies.

PART III  
STANDARD CONDITIONS FOR LPDES PERMITS

**SECTION A. GENERAL CONDITIONS**

**1. Introduction**

In accordance with the provisions of LAC 33:IX.2355, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

**2. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**3. Penalties for Violation of Permit Conditions**

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

**4. Toxic Pollutants**

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal even if the permit has not yet been modified to incorporate the requirement.

**5. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

**6. Permit Action**

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2383, 2385, 2387, 2407 and 2769. The causes may include, but are not limited to, the following:

a. Noncompliance by the permittee with any condition of the permit;

- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant acts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13.

The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

**SECTION B. PROPER OPERATION AND MAINTENANCE****1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**3. Proper Operation and Maintenance**

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

**4. Bypass of Treatment Facilities**

a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2355.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

- (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. Upset. an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2355.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
  - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.2645.A.3. and B.3.

**SECTION C. MONITORING AND RECORDS****1. Inspection and Entry**

The permittee shall allow the state administrative authority, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of these regulations. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action.

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of these regulations. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

- e. **Sample Collection**

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of these regulations.

- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provision of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.



- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) will be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2383.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503); the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun;
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) ☐ Standard Methods for the Examination of Water and Waste Water ☐. This publication is available from the American Public Health Association, Publication Sales, P.O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) ☐ Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis ☐. This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) ☐ Methods for Chemical Analysis of Water and Wastes, Revised, March 1983, ☐ U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the □ Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982 □ U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the □ Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979, □ U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. □ A Guide to Methods and Standards for the Measurement of Water Flow, 1975, □ U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. □ Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2, □ U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. □ NPDES Compliance Flow Measurement Manual, □ U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

**10. Laboratory Accreditation**

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
- (2) Required as part of any permit application;
- (3) Required by order of the department;
- (4) Required to be included on any monitoring reports submitted to the department;
- (5) Required to be submitted by contract; or
- (6) Otherwise required by department regulations.

- b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

<http://www.deq.state.la.us/laboratory/index.htm>.

Questions concerning the program may be directed to (225) 765-0582.

**SECTION D. REPORTING REQUIREMENTS****1. Facility Changes**

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2357.A.1.
- c. **For Municipal Permits.** Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

**2. Anticipated Noncompliance**

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**3. Transfers**

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2381; in some cases, modification or revocation and reissuance is mandatory.)

- a. **Transfers by modification.** Except as provided in LAC 33: IX.2381.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2383.B.2), or a minor modification made (under LAC 33:IX.2385) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.
- b. **Automatic transfers.** As an alternative to transfers under LAC 33:IX.2381.A., any LPDES permit may be automatically transferred to a new permittee if:
  - (1) The current permittee notifies the administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;
  - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - (3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2385. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

**4. Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part II.

**5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

**6. Requirements for Notification****a. Emergency Notification**

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Verbal Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

**b. Prompt Notification**

As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at [www.deq.state.la.us/surveillance](http://www.deq.state.la.us/surveillance) or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 763-3908 during office hours or (225) 342-1234 after hours, weekends, and holidays.

**c. Information for Verbal Notifications.** The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) name of person making the notification and telephone number where any return calls from response agencies can be placed;
- (2) name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;
- (3) date and time the incident began and ended, or estimated time of continuation if discharge is continuing;
- (4) extent of any injuries and identification of any known personnel hazards which response agencies may face;
- (5) common or scientific chemical name, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharged pollutants;
- (6) brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity.

- d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notification under LAC 33:1.3919, will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:

- (1) name of person, company, or other party who is filing the written report;
- (2) time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;
- (5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;
- (6) statement of actual or probable fate or disposition of the pollutant or source of radiation;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Please see LAC 33:1.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2355.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2361.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

**9. Discharges of Toxic Substances**

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
  - i. listed at Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2331.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F.; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
  - i. listed at Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) Five hundred micrograms per liter (500 µg/L);
    - (2) One milligram per liter (1 mg/L) for antimony;
    - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2331.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F.; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

**10. Signatory Requirements**

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
  - (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**NOTE:** DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
  - (a) The chief executive officer of the agency, or.
  - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
- (3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.2763) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.



Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2331 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

#### **SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION**

##### **1. Criminal**

###### **a. Negligent Violations**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

###### **b. Knowing Violations**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

###### **c. Knowing Endangerment**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

###### **d. False Statements**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**2. Civil Penalties**

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharge is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

**SECTION F. DEFINITIONS**

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. **"Clean Water Act"** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. **"Accreditation"** means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. **"Applicable effluent standards and limitations"** means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the Clean Water Act.
6. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
7. **"Commercial Laboratory"** means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
8. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
9. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month.
10. **"Director"** means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

11. **"Environmental Protection Agency"** means the U.S. Environmental Protection Agency.
12. **"Grab sample"** means an individual sample collected in less than 15 minutes.
13. **"Industrial user"** means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
14. **"LEQA"** means the Louisiana Environmental Quality Act.
15. **"Louisiana Pollutant Discharge Elimination System (LPDES)"** means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
16. **"Monthly Average"** (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

17. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
18. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
19. **"Sewage sludge"** means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
20. **"Treatment works"** means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.
21. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
23. The term "MGD" shall mean million gallons per day.
24. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
25. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).
26. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.
27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
28. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
29. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
30. Sanitary Wastewater Term(s):
- a. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.